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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,552	03/29/2004	Efraim Atad	27616	8284
67801	7590	07/31/2008		EXAMINER
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.				TAYLOR, JOSHUA D
P.O. BOX 16446			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22215			2623	
				MAIL DATE
				DELIVERY MODE
			07/31/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,552	ATAD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSHUA TAYLOR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 June 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/24/2008 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant describes using a wireless transmission standard over a wired part of the network, namely the cable part, but gives no explanation of how this is possible.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9 and 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (Pub. No.: US 2004/0031058) in view of Perlman (Pub. No.: US 2004/0110463).

Regarding claim 1, Reisman discloses **a wide area network for bi-directional transmission between a plurality of user nodes and a central source node, at least some of the user nodes comprising rooftop video broadcast receiving installations modified by combining with a terrestrial bi-directional antenna and network transmission support electronics** (Fig. 1, paragraph [0150], lines 1-14. Reisman discloses that WAN could be used to substitute for a local connection between any device sets to be coordinated.). Reisman does not disclose wherein the broadcast receiving installations are modified **to form a combined broadcast receiving and WAN node rooftop installation**. However, Perlman discloses integrating a wireless transceiver into a satellite antenna assembly (Figs. 2 and 3, paragraph [0021], lines 2-10), in order to provide video services and two-way data services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the rooftop location of the wireless transmitter as disclosed by Perlman with the system of Reisman. This would have produced a highly desirable result, in that the data transmitted to

the satellite dish could be received by a customer without the need for a direct wire connection to the satellite dish, which would be useful in conditions such as multi-unit dwellings.

Regarding claim 4 and 5, Reisman discloses **the wide area network of claim 1, wherein said rooftop video broadcast receiving installations can be satellite receiving installations or terrestrial broadcast receiving installations** (Reisman, paragraph [0090], lines 1-10).

Regarding claim 6, Reisman discloses **a wide area network system, comprising: a central source node, a plurality of base nodes connected via cable infrastructure to said central node, and a plurality of user nodes, at least some of the user nodes comprising rooftop video broadcast receiving installations modified by combining with a terrestrial bi-directional antenna and network transmission support electronics** (paragraphs [0090], [0150]). Reisman does not disclose wherein the broadcast receiving installations are modified **to form a combined broadcast receiving and WAN node rooftop installation**. However, Perlman discloses integrating a wireless transceiver into a satellite antenna assembly (Figs. 2 and 3, paragraph [0021], lines 2-10), in order to provide video services and two-way data services. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the rooftop location of the wireless transmitter as disclosed by Perlman with the system of Reisman. This would have produced a highly desirable result, in that the data transmitted to the satellite dish could be received by a customer without the need for a direct wire connection to the satellite dish, which would be useful in conditions such as multi-unit dwellings.

Regarding claim 7: **The wide area network system of claim 6, wherein the cable infrastructure is hybrid fiber coax (HFC) infrastructure** (Reisman, paragraph [0085], line 6).

Regarding claim 8: **The wide area network system of claim 6, wherein a wide area network transmission standard is used over said cable infrastructure** (Reisman, paragraph [0087]).

Regarding claim 9: **The wide area network system of claim 8; where said transmission standard is at least one of IEEE 802.16 standard or the IEEE 802.20 standard** (Reisman, paragraph [0085], lines 19-20).

Regarding claims 12 and 13, Reisman discloses **the wide area network system of claim 6, wherein said rooftop video broadcast receiving installations can be satellite receiving installations or terrestrial broadcast receiving installations** (Reisman, paragraph [0090], lines 1-10).

Regarding claim 14, Reisman discloses **a hybrid cable and wireless bidirectional transmission network comprising a wireless network part and a cable part** (paragraphs [0090], [0150]). However, Reisman does not disclose **wherein a wide area network transmission standard is used over both said wireless network part and said cable part**.

Perlman, however, does (Figs. 7 and 8, paragraphs [0033] and [0045]). Perlman discloses that a system with wireless transmission can use a cable in parts of the system in place of the wireless transmission, all the while using a wide area network transmission standard. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the disclosed usage of the transmission standard of Perlman in the system of Reisman. This would

have produced a desirable result, in that a system with various transport mediums would be able to use the same transmission standard consistently.

Regarding claim 15: **The hybrid cable and wireless bidirectional transmission network of claim 14, wherein said transmission standard is at least one of IEEE 802.16 standard or the IEEE 802.20 standard** (Reisman, paragraph [0085], lines 19-20).

Claims 2-3, 10-11 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (Pub. No.: US 2004/0031058) in view of Perlman (Pub. No.: US 2004/0110463) as applied to the above rejections of claims 1, 6 and 14, respectively, and further in view of Kalika et al. (Pub. No.: US 2007/0054670).

Regarding claim 2, the combined teachings of Reisman and Perlman disclose **the wide area network of claim 1**. However, they do not disclose **wherein at least some of said user nodes comprise support for hotspot functionality, thereby to allow mobile communication devices to access said wide area network system**. Kalika does (paragraph [0092], lines 1-6). Therefore, it would have been obvious to one with ordinary skill in the art to modify the teachings of Reisman and Perlman to include hotspot, as taught by Kalika, for the benefit of user knowing the areas of hotspot where user LAN and WAN would be active.

Regarding claim 3: **The wide area network of claim 2, wherein said support for hotspot functionality substantially comprises standard IEEE 802.11** (Kalika, paragraph [0115], lines 11-17). This claim is rejected on the same grounds as claim 2.

Claims 10 and 11 are rejected on the same grounds as claims 2 and 3, respectively.

Regarding claim 16, the combined teachings of Reisman and Perlman disclose **the hybrid cable and wireless bidirectional transmission network of claim 14**. However, they do not disclose **comprising a base station located between said cable part and said wireless part to interface there between**. However, Kalika does (paragraph [0115]). Kalika discloses, in art that has been incorporated by reference, that base stations are used to act as interfaces between different parts of a communication network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include base stations in the bidirectional transmission network taught by Reisman and Perlman. This would have produced a desirable result, in that it would allow the network to be expanded over a wider range, while still functioning efficiently.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

/Annan Q Shang/

Primary Examiner, Art Unit 2623